

REMARKS

Claims 1, 3-13 and 22-25 are pending for examination, claims 1 and 23 being independent.

Claims 26-28 are withdrawn.

Claims 1, 3, 6-13 and 23 have been amended.

No claims have been added.

Claim 5 has been cancelled.

After this amendment, claims 1, 3-4, 6-13 and 22-25 are pending for examination, with claims 1 and 23 being independent.

Claims in view of Figueroa

Claims 1, 3-6, 8 and 10 were rejected under 35 U.S.C. 102(b) as anticipated by US 2002/00228811 by Figueroa (hereinafter Figueroa); and claims 7, 9 and 11-13 were rejected under 35 U.S.C. 103(a) over Figueroa.

Without acceding to the correctness of the Examiner's allegation, claim 1 has been amended to clarify that "the inner diameter of the lumen at a location immediately adjacent and distal to the loading bay [is] less than the inner diameter of the lumen at the open tip being." Support for such a configuration is given, for example, at page 13, lines 9-10 of the present application.

By contrast, the inner diameter of the lumen at a location adjacent and distal to the loading bay (i.e., at line 12-12 in FIG. 13 of Figueroa) is greater than the inner diameter of the lumen at the open tip (i.e., reference number 95, the location wherethrough the IOL is expressed from said device).

Accordingly, claim 1 is patentable over Figueroa. Claims 3, 4 and 6-13 depend from claim 1 and are also patentable. Withdrawal of the rejections of claims 1, 3, 4 and 6-13 over Figueroa is respectfully requested. Claim 5 has been cancelled.

Claims in view of Clark

Regarding claims 1, 3, 4, 6-13 and 22

Claims 1, 3-8, 10, 12 and 22 were rejected under 35 U.S.C. 102(b) as anticipated by US 6,491,697 to Clark (hereinafter Clark); and claims 9, 11 and 13 were rejected under 35 U.S.C. 103(a) over Clark.

As stated above, claim 1 has been amended to clarify that “the inner diameter of the lumen at a location immediately adjacent and distal to the loading bay being less than the inner diameter of the lumen at the open tip being.”

By contrast, Clark includes a region having a relatively large inner diameter immediately adjacent a loading bay, and a proximal taper (i.e., a funnel-shaped portion) which is configured to compress the lens prior to reaching an open tip. The open tip has an inner diameter that is smaller than the inner diameter immediately adjacent the loading bay.

Accordingly, claim 1 is patentable over Clark. Claims 3, 4, 6-13 and 22 depend from claim 1 and are also patentable. Withdrawal of the rejections of claims 1, 3, 4, 6-13 and 22 over Clark is respectfully requested. Claim 5 was cancelled.

Regarding claims 23-25

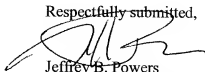
Claims 23-25 were rejected under 35 U.S.C. 102(b) as anticipated by Clark.

The Examiner alleged that the proximal taper (i.e., a funnel-shaped portion) and lumen 107 form a first diameter at a location proximate and distal to the distal end of the loading bay 38.

Without acceding to the correctness of the Examiner’s allegation, claim 23 has been amended in a manner similar to claim 1, and now recites that “said lumen having a first diameter at a first location immediately adjacent and distal to the distal end of the loading bay and having a second diameter at the open tip that is larger than the first diameter.” By contrast, in Clark, the inner diameter at the distal tip is not larger than inner diameter at a location immediately adjacent the loading bay.

Accordingly, claim 23 is patentable over Clark. Claims 24 and 25 depend from claim 22 and are also patentable. Withdrawal of the rejections of claims 23-25 over Clark is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. B. Powers', is written over the typed name.

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